

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

DAVID EARL PHILLIPS	§	
V.	§	CIVIL ACTION NO. 9:07CV86
DIRECTOR, TDCJ-CID	§	

ORDER OF DISMISSAL

Came on for consideration the above-referenced civil action, this Court having heretofore ordered that this matter be referred to the United States Magistrate Judge for proper consideration. Having received the report of the United States Magistrate Judge pursuant to its order, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore,

**ORDERED** that no relief be granted Petitioner in the above-styled case and the same shall be and is hereby **DISMISSED** with prejudice from the docket of this Court. It is further

**ORDERED** that a certificate of appealability is hereby **DENIED**. All motions by either party not previously ruled on are hereby **DENIED**.

So **ORDERED** and **SIGNED** this **23** day of **July, 2007**.



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Ron Clark, United States District Judge